

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EMMANUEL ADEYINKA,

Plaintiff,

v.

PHILADELPHIA, PA, *et al.*,  
Defendants.

: CIVIL ACTION NO. 18-CV-3253  
**FILED**  
NOV 13 2018  
KATE BARKMAN, Clerk  
By                          Dep. Clerk  
**ORDER**

AND NOW, this 9<sup>th</sup> day of November, 2018, upon consideration of *pro se* Plaintiff Emmanuel Adeyinka's Complaint (ECF No. 2), second Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 5), and Motion for Appointment of Counsel (ECF No. 6), it is ORDERED that:

1. The Complaint is DISMISSED with prejudice for failure to state a claim for relief, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Adeyinka may not file an amended complaint in this matter.

2. Adeyinka's second Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 5) is DENIED as unnecessary.

3. Adeyinka's Motion for Appointment of Counsel (ECF No. 6) is DENIED. See *Tabron v. Grace*, 6 F.3d 147, 155 (3d Cir. 1993) (in determining whether appointment of counsel is appropriate, the Court should first determine whether plaintiff's lawsuit has a legal basis).

4. The Clerk of Court shall CLOSE this case.

BY THE COURT:

  
PETRESE B. TUCKER, J.